

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD D. HEATHERLY,

Defendant.

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No. 07-CR-30127

ORDER

HERNDON, Chief Judge:

Before the Court is a motion to continue trial submitted by Defendant Heatherly. (Doc. 12.) The Court finds that the trial should be postponed because Defendant and the Government are involved in ongoing discussions concerning a possible plea agreement. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Heatherly in a speedy trial because failure to grant a continuance would unreasonably interfere with the current plea negotiations, which if successful would serve all parties' interest in a just and efficient outcome. Therefore, the Court **GRANTS** Defendant Heatherly's motion to continue trial (Doc. 12) and **CONTINUES** the jury trial scheduled for November 26, 2007 until January 14, 2008 at 9:00 a.m. The time from the date Defendant

Heatherly's motion was filed, November 20, 2007, until the date on which the trial is rescheduled, January 14, 2008, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 20th day of November, 2007.

/s/ David R Herndon
Chief Judge
United States District Court